

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SIERRA CLUB, SIERRA NEVADA  
PROTECTION CAMPAIGN, SIERRA  
FOOTHILLS AUDUBON SOCIETY,  
and EARTH ISLAND INSTITUTE

No. CIV-S-03-1238 MCE/PAN

Plaintiffs,

v.

STEVEN T. EUBANKS, DALE BOSWOTH,  
U.S. FOREST SERVICE, ANN -  
SECRETARY OF THE CALIFORNIA  
DEPARTMENT OF AGRICULTURE, and  
UNITED STATES DEPARTMENT OF  
AGRICULTURE,

**RELATED CASE ORDER**

Defendants.

\_\_\_\_\_ /

EARTH ISLAND INSTITUTE,

No. CIV-S-02-2119 MCE/PAN

Plaintiff,

v.

U.S. FOREST SERVICE, JACK  
BLACKWELL, and JOHN BERRY,

Defendants.

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1 EARTH ISLAND INSTITUTE,

No. CIV-S-03-1242 MCE/PAN

2 Plaintiff,

3 v.

4 UNITED STATES DEPARTMENT OF  
5 AGRICULTURE,

6 Defendant.  
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7 EARTH ISLAND INSTITUTE, and  
8 CENTER FOR BIOLOGICAL DIVERSITY,

No. CIV-S-05-1608 FCD/JFM

9 Plaintiffs,

10 v.

11 UNITED STATES FOREST SERVICE,  
12 DALE BOSWORTH, and JOHN BERRY,

13 Defendants.  
\_\_\_\_\_ /

14 Examination of the above-entitled civil actions reveals that  
15 these actions are related within the meaning of Local Rule 83-  
16 123(a) (E.D. Cal. 1997). The actions involve many of the same  
17 defendants and are based on the same or similar claims, the same  
18 property transaction or event, similar questions of fact and the  
19 same questions of law, and would therefore entail a substantial  
20 duplication of labor if heard by different judges. Accordingly,  
21 the assignment of the matters to the same judge is likely to  
22 effect a substantial savings of judicial effort and is also  
23 likely to be convenient for the parties.

24 The parties should be aware that relating the cases under  
25 Local Rule 83-123 merely has the result that both actions are  
26 assigned to the same judge; no consolidation of the action is  
27 effected.

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1 Under the regular practice of this court, related cases are  
2 generally assigned to the district judge and magistrate judge to  
3 whom the first filed action was assigned.

4 IT IS THEREFORE ORDERED that the action denominated  
5 CIV-S-05-1608 FCD/PAN, Earth Island Institute and Center for  
6 Biological Diversity v. United States Forest Service, Dale  
7 Bosworth and John Berry is reassigned to Judge Morrison C.  
8 England, Jr. And Peter A. Nowinski for all further proceedings,  
9 and any dates currently set in this reassigned case only are  
10 hereby VACATED. Henceforth, the caption on documents filed in  
11 the reassigned case shall be shown as CIV-S-05-1608 MCE/PAN.

12 IT IS FURTHER ORDERED that the Clerk of the Court make  
13 appropriate adjustment in the assignment of civil cases to  
14 compensate for this reassignment.

15 IT IS SO ORDERED.

16 DATE: August 17, 2005

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20 MORRISON C. ENGLAND, JR.  
21 UNITED STATES DISTRICT JUDGE  
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